IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 17742 of 2004

Between:

Pitchapati Himadhar S/o.Late P.Subba Reddy
R/o.APSEB Quarters Tada Village and Mandal, Nellore District.

... PETITIONER

AND

1 The Chairman A.P.State Electricity Board
Vidyuth Soudha Hyderabad-82.
2 Andhra Pradesh State Electricity Board Operation Circle, Nellore
Rep. by its Superintending Engineer.
3 The Divisional Electrical Engineer (Operation) A.P.State Electricity Board,

Gudur.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of a writ of Mandamus declaring the action of the respondents herein in not providing any suitable job to the petitioner in APSEB and in not appointing him to any suitable post on compassionate grounds as highly illegal, arbitrary and violative of principles of natural justice and to consequently direct the respondents herein to forthwith pass.

Counsel for the Petitioner: MR.V.RAJAGOPAL REDDY

Counsel for the Respondents: MR.S.RAVINDRANATH

The Court at the admission stage made the following order:

ORDER:

The petitioner claims that he is the son of an employee of the Andhra Pradesh Electricity Board by name Mr.P. Subba Reddy. The said Mr. Subba Reddy died on 16.12.1997 while in service. The petitioner made an application to the respondent board on 21.01.1998 requesting for compassionate appointment. The grievance of the petitioner is that the respondents did not pass any orders on his application dated 21.01.1998 and subsequent representations dated 04.07.1998 and 16.11.1998. Therefore, he approached this Court seeking to direct the respondents to consider his representations and pass appropriate orders.

Learned counsel for the respondents submitted that by the date of the death of the petitioner's father his mother was in Government service and by the date of the application made by the petitioner for compassionate appointment she was in effective service and she took voluntary retirement in September, 1998. Since there was a breadwinner in the family of the petitioner by the date of expiry of his father the petitioner is not entitled for compassionate appointment.

It is a fact that the respondents did not pass any orders on the application and subsequent representations of the petitioner regarding his request for compassionate appointment. Unless and until he receives a communication he continues to have a hope that he would get compassionate appointment. Therefore, it is essential for the respondents to pass appropriate orders on the representations made by the petitioner and communicate the same to the petitioner.

In the light of the above circumstances, the respondents are directed to consider the application of the petitioner and his subsequent representations by taking into consideration whether there were any earning members in the family of the petitioner by the date of expiry of the petitioner's father and whether he fulfills all the conditions required to get eligibility for compassionate appointment and pass appropriate orders according to the rules within six weeks from the date of receipt of this order.

The writ petition is accordingly disposed of. No order as to costs.

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Dr. G. YETHIRAJULU, J

October 4, 2004

Dsk

To

1 The Chairman A.P.State Electricity Board
Vidyuth Soudha Hyderabad-82.
2 Andhra Pradesh State Electricity Board Operation Circle, Nellore
Rep. by its Superintending Engineer.
3 The Divisional Electrical Engineer (Operation) A.P.State Electricity Board,

Gudur.

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